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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,168	12/01/2003	David Bentley Craig	US-0016.01ENT	816I
77488	7590	09/15/2010		
USAA (Enterprise) USAA Enterprise Operations Counsel, IP 9800 Fredericksburg Road San Antonio, TX 78288				
EXAMINER				
WONG, ERIC TAI WAI				
ART UNIT		PAPER NUMBER		
3693				
NOTIFICATION DATE		DELIVERY MODE		
09/15/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

julia.robinson@usaa.com
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Office Action Summary

Application No.

10/725,168

Applicant(s)

CRAIG ET AL.

Examiner

ERIC T. WONG

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,8-10,24,26,27,30 and 44-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,8-10,24,26,27,30 and 44-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/25/2010 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4-5, 8, 24, 26-27, 30, 44, 46-48, 51 rejected under 35 U.S.C. 103(a) as being unpatentable over Chow (US PG-PUB 2002/0156720, cited in prior Office action) in view of Bhuyan (US PAT 7,158,998, cited in prior Office action), further in view of Rousseau (US PG-PUB 2003/0040997, cited in prior Office action).
4. Regarding claims 1 and 51, Chow discloses:
- receiving personal information relating to the customer at a middleware tier comprising at least one transaction and database server (see FIG. 1 Application Server 120, Database 112), wherein said middleware tier is operatively coupled to said host processing system (see FIG.1 Database 112) and to said web server (see FIG.1 Web Server 110).
5. Examiner asserts application server 120 and database 112 are in the middleware tier. Support for this assertion can be found in Dinker (US Patent 6,944,788) for example. Dinker describes that application server space is often referred to as "middleware" and that application servers may provide services for performing various types of e-commerce transactions (see

FIG.1, column 1 lines 24-29, column 3 lines 20-27). Database 112 is also a host processing system.

6. Chow further discloses:

- determining an available account number;
- associating personal information with said available account number to create an electronic record;
- storing said electronic record in a repository to establish an electronic account relating to said customer;
- receiving database transaction instructions from said customer relating to said electronic account;
- utilizing said electronic account, executing said database transaction instructions (see abstract).

7. Chow does not explicitly teach:

- determining that said host processing system is unavailable;
- storing the electronic account record in a temporary repository;
- receiving and executing database transaction instructions;
- creating a log of executed database transactions associated with said electronic account;
- determining that said host processing system is available;
- retrieving said database transactions from said temporary repository; and
- copying said database transactions to said host processing system.

8. Bhuyan discloses when one of a target database and a backup database is unavailable, recording a database transaction in a file and committing the database transaction to the

previously unavailable database when the unavailable database becomes available (see abstract; col. 1 lines 12-51). Therefore, Bhuyan teaches:

- determining that a host processing system is unavailable;
- storing an electronic record in a temporary repository;
- receiving and executing database transaction instructions,
- creating a log of executed database transactions associated with said electronic account;
- determining that said host processing system is available;
- retrieving said database transactions from said temporary repository; and
- copying said database transactions to said host processing system.

9. The method of Bhuyan discussed above is known as database replication. Database replication is a form of redundancy, which is the duplication of critical components of a system with the intention of increasing the reliability of the system, usually in the case of a backup or fail-safe. This is a fact which was old and well known in the art at the time of invention (for an example of the use of redundancy in financial systems, see Magill, US PG-PUB 2004/0143542, paragraph 133).

10. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Chow to include:

- determining that the host processing system is unavailable;
- storing the electronic account record in a temporary repository;
- receiving and executing database transaction instructions,
- creating a log of executed database transactions associated with said electronic account;
- determining that said host processing system is available;

- retrieving said database transactions from said temporary repository; and
- copying said database transactions to said host processing system.

11. The modification would have merely been the application of a known technique, ie.

database replication, to a known method ready for improvement, ie. executing and recording database transactions in a financial trading system, yielding predictable results.

12. Chow does not explicitly teach determining, at said middleware tier, an available account number while said host processing system is unavailable.

13. Rousseau teaches determining, at a middleware tier, an available account number while a host processing system is unavailable (see abstract, claims 1-2). Examiner notes that the “backend interface” of Rousseau is a middleware tier while the backend systems are the host processing systems.

14. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have modified Chow further with determining, at said middleware tier, an available account number while said host processing system is unavailable. The modification would have merely been the application of a known technique, ie. redundant account number distribution system, to a known method ready for improvement, ie. account opening process, yielding predictable results.

15. Regarding claim 3, Rousseau teaches wherein said available account number is calculated through application of a computer algorithm matching that utilized by said host processing system when said system is available. In particular, Rousseau teaches “a cache system capable of receiving and storing the account opening request, the account number and the validated

customer information when an account activation system is unavailable and further capable sending the account opening request, the account number and the validated customer information to the account activation system when the account activation system is available, wherein the account number distribution system includes an unique account number repository from which the account number is allocated and distributed” (see claims 1-2). The modification would have merely been the application of a known technique to a known method ready for improvement yielding predictable results. Further, one would have been motivated to make the modification in order to avoid duplicate account numbers.

16. Regarding claim 4, Rousseau further teaches wherein said temporary repository comprises a new account queue.

17. Regarding claim 5, Rousseau further teaches wherein said electronic account is extracted from an inventory of blank electronic accounts (see claim 2).

18. Regarding claim 8, Chow discloses wherein said host processing system comprises an online account management system selected from the group consisting of a brokerage management system, a mutual fund management system, an annuity management system, a financial account processing system, a mutual fund wrap management system, a separate managed account system, a deposit account management system, and a loan account management system.

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19. Regarding claims 24, 26-27, 30, 44, 45-48, the claims are drawn to systems or computer-readable mediums associated with the method claims discussed in this section and are therefore deemed obvious over Chow in view of Bhuyan, further in view of Rousseau as applied above.

20. Claims 9-10 and 49-50 rejected under 35 U.S.C. 103(a) as being unpatentable over Chow in view of Bhuyan, further in view of Rousseau, further in view of Applicant admission of prior art.

21. Regarding claims 9 and 49, Applicant admission of prior art teaches that it was old and well known in the art at the time of invention to keep track of how many items are in a queue. Examiner notes that Applicant did not challenge the Official Notice taken in a previous Office Action regarding the limitation.

22. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modified the financial system of Chow further to include providing counting means for recording the number of accounts created during system unavailability. One skilled in the art would have been motivated to make the modification because it is useful to know how many items there are to process (eg. for using a counter in a loop in a computer program in order to copy logged transactions).

23. Regarding claims 10 and 50, Applicant admission of prior art teaches that it was old and well known in the art at the time of invention to reset counting means. Examiner notes that Applicant did not challenge the Official Notice taken in a previous Office Action regarding the limitation.

24. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have modified the financial system of Chow further to include resetting said counting means upon system availability. One skilled in the art would have been motivated to

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make the modification because it is useful to know how many items there are to process (eg. for using a counter in a loop in a computer program in order to copy logged transactions).

Response to Arguments

25. Applicant's arguments filed 6/25/2010 have been fully considered but they are not persuasive.
26. Applicant argues that the proposed combination does not teach or suggest database transactions being performed while a primary database of the host processing system is unavailable.
27. The argument is not persuasive since Bhuyan teaches database transactions being performed while a primary database of a host processing system is unavailable (see abstract).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC T. WONG whose telephone number is 571-270-3405. The examiner can normally be reached on Monday-Friday 9:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James A. Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James A. Kramer/
Supervisory Patent Examiner, Art Unit 3693

ERIC T. WONG
Examiner
Art Unit 3693

September 10, 2010